

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DWAIN EDWARD THOMAS,

Plaintiff,

v.

Case No. CIV-20-944-D

KEVIN STITT, *et al.*,

Defendants.

ORDER

Before the Court is the parties' Joint Motion for Protective Order [Doc. No. 74]. Upon consideration, the motion is denied without prejudice to its resubmission. The Court finds the proposed protective order is unacceptable for the following reasons:

- a) Paragraph 2 allows for the retroactive designation of previously produced documents, but does not include any deadline or clear procedure for the parties to retroactively designate such documents as confidential or attorneys' eyes only;
- b) Paragraph 7 is not clear as to whether attorneys' eyes only information may be used during depositions;
- c) Paragraph 8 references the Court's local rules, but also appears to allow confidential documents to be filed under seal without leave of Court¹; and
- d) Paragraphs 13 and 17 are duplicative.

¹ For example, the Court routinely enters agreed protective orders that contain the following (or similar) language: "In the event a Party or non-party seeks to file any document containing Confidential Information with the Court, the Party or non-party must take appropriate action to ensure that the document receives proper protection from public disclosure by seeking permission to file the document under seal as required by the Court's ECF Policies & Procedures Manual §§ II(H) and III(A). Nothing in this Order will be construed as a blanket directive to allow any document to be filed under seal."

If the parties choose to resubmit their motion, they should address the matters set forth above and, generally, should ensure that the proposed protective order is clear and concise.

IT IS SO ORDERED this 16th day of April, 2024.



TIMOTHY D. DeGIUSTI
Chief United States District Judge